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WHEREAS, counsel for Marathon Capital, LLC represents that as of the date of the filing of the Complaint in this action on September 22, 2020, three members of Marathon Capital LLC (sued herein as Marathon Capital of Illinois, LLC), each with an ownership interest of less than 1%, were citizens of New York State, the same state of citizenship of Plaintiff as stated in Paragraph 15 of the Complaint;

**STIPULATION** 

IT IS STIPULATED AND AGREED, by and among counsel for the Parties, who are authorized to execute this Stipulation on behalf of their respective clients, that the above action is hereby dismissed, without prejudice and without costs to any party.

WIGDOR LLP 85 Fifth Avenue, 5th Floor New York, NY 10003

Michael J. Willemin
Attorneys for Plaintiff

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ELECTRONICALLY FILED
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DATE FILED:  $\sqrt{-5-2021}$ 

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Peter T. Shapiro Isl

Peter T. Shapiro
ATTORNEYS FOR DEFENDANT
Charles C. Hinckley, III

So Ordered,

Honorable John G. Koeltl United District Court Judge

4/5/21

GREENBERG TRAURIG, LLP MetLife Building 200 Park Avenue New York, New York 10166

Jonathan L. Sulds /s/

Jonathan L. Sulds ATTORNEYS FOR DEFENDANTS Ted Brandt and Phillippe Lavertu

The Clark is directed to Chose this case.

50 ordered.

50 ordered.

4/5/2, u.5.5.5.